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IN THE MATTER OF:

COUNTY COUNSELOR

***JOHN DOE HM, AN INDIVIDUAL
VS.
CITY OF CREVE COEUR, ET AL.***

Cause No. 4:07-CV-00946-ERW

*Deposition of Grace Renee Jones
4/23/2009*

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EXHIBIT

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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

JOHN DOE H.M., AN INDIVIDUAL,
PLAINTIFF,

V. NO. 4:07-CV-00946-ERW

CITY OF CREVE COEUR, MISSOURI,
ETC., ET AL.,
DEFENDANTS.

DEPOSITION OF GRACE R. JONES, produced, sworn
and examined on the 23rd day of April, 2009 at the St.
Louis County Government Center, 41 South Central Avenue,
in the City of Clayton, State of Missouri, before Traci
Butz, Certified Shorthand Reporter in and for the State
of Missouri.

Gore Perry Gateway Lipa Baker Dunn & Butz
St. Louis 314.241.6750 St. Charles 636.940.0926

A P P E A R A N C E S

On Behalf Of The Plaintiff (telephonically):

RANGLES, MATA & BROWN, LLC

Rebecca M. Randles, Esq.

406 West 34th Street, Suite 623

Kansas City, Missouri 64111

On Behalf Of Defendants City Of Creve Coeur, Missouri

AND JOHN BEARDSLEE:

SANDBERG, PHOENIX & von GONTARD, P.C.

Stacie Owens, Esq.

One City Centre, Suite 1500

St. Louis, Missouri 63101

On Behalf Of Defendants St. Louis County, Police Officer

Michael Thomeczek, And Sergeant Thomas Lasater:

ST. LOUIS COUNTY, MISSOURI

Lorena V. Merklin von Kaenel, Esq.

Lawrence K. Roos County Government Building

41 South Central Avenue

Clayton, Missouri 63105

1 ALSO PRESENT:

2
3 Sgt. Thomas Lasater

4 Police Officer Michael Thomeczek

5 St. Louis County Police Department
6
7

8 I N D E X
9

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25

S T I P U L A T I O N

IT IS HEREBY STIPULATED AND AGREED by and between counsel for the parties that this deposition may be taken in shorthand by Traci Butz, Certified Shorthand Reporter, Certified Realtime Reporter, and afterwards transcribed into printing, and signature by the witness is not waived.

GRACE R. JONES,
of lawful age, being first duly sworn to tell the truth, the whole truth and nothing but the truth, deposes and says as follows:

EXAMINATION BY MS. MERKLIN von KAENEL:

Q: Will you please state your full name for the record?

A: Grace Renee Jones.

Q: Grace Renee Jones. How would you like me to call you? I can call you Miss Jones or Grace. What do you prefer?

A: Grace is fine.

Q: Grace is fine. Okay. This is a deposition. She's taking down your testimony, and it is important for her to have words to take down rather than inflections or uh-uhs or uh-huhs. If you would just please respond with a word like a yes or a no or something so she can take it down, that would be

1 terrific.

2 Is there anything that -- either medication or
3 otherwise that would impede your being able to give
4 testimony today?

5 A: No.

6 Q: Okay. And if there's a problem with any
7 question I ask, either you don't understand it or it's
8 confusing in some way, please ask me to repeat it.

9 A: Okay.

10 Q: Wait until I finish my question and then you
11 can answer because she's taking down our testimony, and
12 it's very difficult when you and I start overlapping
13 each other. She'll also give us dirty looks when we're
14 doing that, so it works out nicely. I represent
15 St. Louis County. I represent Police Officers Lasater
16 who is on my left and Thomeczek who is on my far left,
17 St. Louis County, and the Chief of Police for St. Louis
18 County, so I'm their attorney, and I represent them in
19 this lawsuit. The lawsuit was filed by John Doe H.M.
20 I'm going to -- before I go into the plaintiff, I'm
21 going to ask you a couple questions about yourself.
22 Just a couple questions.

23 What is your present employment?

24 A: City of Creve Coeur.

25 Q: And how long have you been employed by Creve

1 Coeur?

2 A: Almost five years.

3 Q: And when did you start with them?

4 A: I'm sorry. Correction. I've been an officer
5 for five years. I -- I've worked for Creve Coeur three
6 years and some months.

7 Q: Okay. Where did you work before Creve Coeur?

8 A: Maplewood.

9 Q: Okay. So you worked for Maplewood for two
10 years and then Creve Coeur for three, about?

11 A: About.

12 Q: About. Okay. And please correct me. I don't
13 mean to put any -- any words in your mouth.

14 So when did you -- approximately when did you
15 start working for Creve Coeur?

16 A: I believe November 28th of '05.

17 Q: So just after Thanksgiving?

18 A: Yes, ma'am.

19 Q: What did you do? Are you a road officer, a
20 Sergeant? What do you do for Creve Coeur?

21 A: Currently I'm a road officer. As of January I
22 was a road officer.

23 Q: And that includes enforcing the ordinances of
24 Creve Coeur and the statutes of St. Louis County, is
25 that right?

1 A: Yes, ma'am.

2 Q: I'm going to turn your attention to December
3 31st of 2005. The lawsuit concerns an incident that
4 occurred on December 31st of 2005, so I'm going to bring
5 you back to that time, okay?

6 A: Okay.

7 Q: I'm going to specifically bring you back to
8 the time that just preceded that.

9 A: Okay.

10 Q: We're talking about what happened before
11 December 31st of 2005 --

12 A: Okay.

13 Q: -- and that's New Year's Eve, 12/31, right?
14 Do you -- are you familiar with John Doe H.M.?

15 A: Yes.

16 Q: Okay. And how are you familiar with John Doe
17 H.M.?

18 A: I believe we worked together at the City of
19 Creve Coeur for a short period of time which was, of
20 course, how I met him initially.

21 Q: Did you -- were you on the same platoon, or
22 how were you -- how did you work together?

23 A: We were not on the same platoon, but during
24 shift change I believe I relieved his shift. My shift
25 relieved his shift.

1 Q: Okay. So you would -- your shift overlapped
2 while you came on?

3 A: Correct.

4 Q: And how would you describe your relationship
5 with Mr. Doe? Well, why don't we start at the
6 beginning? You came on on 11/28, so about -- a little
7 bit more than a month before the event I'm talking to
8 you about.

9 A: Correct.

10 Q: Would you describe your relationship during
11 that time with Mr. Doe?

12 A: I would describe it as brief. It's hard to
13 recall back then, but I remember that we talked on a
14 couple different occasions. It's a hard question to
15 answer.

16 Q: Okay. I'll help you. I appreciate that.

17 A: Okay.

18 Q: Were you friends?

19 A: Yes.

20 Q: Were you friends from the beginning, from
21 11/28 of 2005?

22 A: I'm not sure I met him on that day, but
23 approximately.

24 Q: Okay. So you were friends. Did you talk on
25 the phone?

1 A: I cannot recall a specific phone conversation,
2 but I would not say that we didn't.

3 Q: And you talked between shift changes?

4 A: Yes.

5 Q: And did you go out socially with him?

6 A: Yes.

7 Q: Okay. What kind of -- where did you go with
8 him socially?

9 A: I'm not quite sure where we went, but I could
10 describe it to you. I remember one incident where we
11 went out specifically. I can't remember if we did any
12 other time.

13 Q: Okay. And so you remember one social event,
14 one social thing that you did with him?

15 A: Correct.

16 Q: Is that before December 31st of 2005?

17 A: Yes.

18 Q: Okay. And 11/28 of 2005 is when you started
19 with Creve Coeur, right?

20 A: Yes.

21 Q: Okay. So can you tell me what was -- how did
22 you go out? How did you go out with him on this one
23 social occasion? How did it start?

24 A: I remember that I -- I remember the feeling
25 that he was persistent. I can't tell you specifically

1 how. I want to say that he begged to go out over and
2 over again. When I agreed to go out, I remember we went
3 to --

4 Q: Can I stop you for a second?

5 A: Yes, ma'am.

6 Q: So his asking you to go out, begging you to go
7 out, did that occur over a couple of days?

8 A: Probably.

9 Q: Go on. So after he begs you, do you
10 eventually agree to go out with him?

11 A: Yes.

12 Q: Okay. And what makes you agree to go out with
13 him?

14 A: I don't recall.

15 Q: Okay. So what do you do?

16 A: So we went out to this -- maybe like a park.
17 I can't remember. I remember it had a statue of Mary,
18 so I'm assuming it was a Catholic place. It was a place
19 where you can tell that people went to think because
20 there was benches and little trails, and you could walk
21 on the trails. I don't remember the name of it.

22 Q: If I told you some names, would they sound
23 familiar or not familiar?

24 A: Yes.

25 Q: Okay. There's a shrine in Belleville called

1 Our Lady of Snows. Does that sound familiar?

2 A: Yes, it does. I would rather if -- if there
3 was a picture, per se, I could point at the picture and
4 say a definite.

5 Q: Okay. And so you went -- when did you go to
6 John Doe H.M. to this place with Catholic statues of
7 Mary?

8 A: I can't recall a date.

9 Q: If you can try, let's try to pinpoint a date.
10 Do you think it was before or after Christmas?

11 A: I think it was after Christmas.

12 Q: Okay. And do you think it was before or after
13 New Year's Eve?

14 A: I think it was before.

15 Q: Okay. So sometime between 12/25 of 2005 to
16 12/31 of 2005, you go with John Doe H.M. to this place
17 with statues of Mary, is that right?

18 A: Correct. Yes.

19 Q: Okay. So tell me what -- how does it start?
20 Does he come to pick you up? What happens?

21 A: I cannot recall.

22 Q: Okay. Do you drive there?

23 A: I don't think I did.

24 Q: Okay. So do you think he drove there?

25 A: I think I rode with him, yes.

1 Q: Okay. In his car?

2 A: I don't know whose car. I'm assuming.

3 Q: Are you -- are both of you off duty at this
4 point?

5 A: Yes.

6 Q: And what do you do when you -- what does he
7 say, if anything, to you on your trip before you get to
8 this -- this shrine?

9 A: I don't remember any specific topics or words.
10 What I do recall from that night in general, the whole
11 night, including the trip there, the trip from, was that
12 he was obviously upset, and the reason I got that
13 feeling was because I believe he did most of the
14 talking.

15 Q: Okay. Do you remember what he was talking
16 about?

17 A: No.

18 Q: Do you remember if he was talking about his
19 marriage?

20 A: No.

21 Q: Do you remember if he was talking about his
22 wife?

23 A: No.

24 Q: Do you remember if he was talking about his
25 kids?

1 A: No.

2 Q: Okay. Do you remember if he was talking about
3 his girlfriend?

4 A: No.

5 Q: Okay. You said he was obviously upset. What
6 kind of -- why do you come to that conclusion? What was
7 he doing that would make you think that?

8 A: I remember he would walk around. There was a
9 little trail next to the statue or close to it, and he
10 would walk up and down the trail. He -- he did all the
11 talking. He was constantly talking. He wasn't
12 screaming, crying, or yelling, but he was just talking.

13 Q: Okay.

14 A: I just can't remember what he said.

15 Q: Okay. Was he -- did he look upset? I'm
16 sorry. You said obviously upset. Did he look
17 disturbed?

18 A: Yes.

19 Q: Did he --

20 MS. RANGLES: Objection. That calls for --

21 MS. MERKLIN von KAENEL: I'm sorry. You have
22 to repeat that.

23 MS. RANGLES: I object that it's vague. What
24 does disturbed mean?

25 Q: (By Ms. Merklin von Kaenel) Well, how would

1 you describe him?

2 A: I would describe him as upset. He was
3 disturbed about something, an event or something that
4 was happening to him. It was dark during this event.

5 Q: So he was disturbed and upset about -- about
6 something that was happening what, in his life?

7 A: Yes.

8 Q: Okay. Was he talking at a normal pace, or was
9 he talking fast or slow?

10 MS. RANGLES: Objection; no foundation.

11 Q: (By Ms. Merklin von Kaenel) When you were with
12 John Doe H.M., what was his pace of conversation?

13 MS. RANGLES: Same objection.

14 Q: (By Ms. Merklin von Kaenel) You may answer.

15 A: He spoke consistently. I don't remember if he
16 was speaking fast or slow, but he just consistently kept
17 talking.

18 Q: Did you respond to what he was saying?

19 A: I can't recall. I'm sure I did as a normal
20 person would, but I can't remember.

21 Q: Okay. What do you remember about the place
22 that you were in, this place that you were in, the
23 location?

24 A: I remember the statue. It was lit up with a
25 color. I believe it was blue. I don't know why I

1 remember that. I remember getting the feeling that it
2 was a Catholic place, a statue of Mary. It reminded me
3 of a park. I don't know if it is a park or not. I
4 remember the trail and a cement bench in front of the
5 statue.

6 Q: Is this a place you chose, or is this a place
7 Mr. Doe chose?

8 A: He chose it.

9 Q: Okay.

10 A: I have never been there before.

11 Q: And what did you do -- have you described
12 everything that happened at this place, this shrine with
13 Mary, the statue of Mary? Have you described everything
14 that happened between the two of you?

15 A: Yes.

16 Q: Okay. So what happened next? Did you leave?

17 A: I'm sure we left.

18 Q: Okay.

19 A: I can't recall specifics.

20 Q: Do you remember where you went?

21 A: No.

22 Q: And does this describe this social event with
23 Mr. Doe?

24 A: This describes this specific memory of this
25 specific part.

1 Q: Did you have an occasion to go out with Mr.
2 Doe after you went to the shrine?

3 A: I'm not sure if we went out, but we did meet
4 again.

5 Q: And would it have been just after this -- this
6 -- your going to the shrine?

7 A: I'm not sure if we met -- I'm not sure if that
8 night continued or if they were two separate events.
9 I'm not clear.

10 Q: Were they close in time?

11 A: They were very close in time.

12 Q: When was the next time you saw Mr. Doe or you
13 were with Mr. Doe?

14 A: He came to my apartment.

15 Q: Where do you live ma'am?

16 A: Where I lived back then?

17 Q: Yes.

18 A: I lived in an apartment in Maryland Heights
19 off of Bennington.

20 Q: And if I can ask you, did you have a cell
21 phone at that time?

22 A: Yes.

23 Q: Did you two talk by cell phone, or did you --
24 did you receive phone calls from Mr. Doe on your cell
25 phone at the time?

1 A: I can't specifically recall. It would not be
2 an out of the ordinary behavior for me.

3 Q: Did you -- did you call him on his cell phone,
4 if you remember?

5 A: I -- I want to -- I want to side on saying no,
6 I didn't, but I can't recall specifically.

7 Q: Do you remember what cell phone number you
8 have?

9 A: The same as I have now.

10 Q: What is that?

11 A: Area code 573-270-2490.

12 Q: Before I got more specifics about where you
13 lived and the cell phone number, you said that John Doe
14 H.M. came to your house sometime close in time to when
15 you went to the shrine. What happened at your house or
16 apartment?

17 A: I can't -- okay. I can't recall specifically.
18 I do remember that we slept together, and I do remember
19 that he stayed the night, but when I woke up the next
20 morning, he was gone.

21 Q: Okay. Do you remember any of your
22 conversations with him that night?

23 A: No.

24 Q: Do you remember having any impressions about
25 John Doe H.M.'s demeanor, his state of mind at the time?

1 A: I remember I felt sorry for him.

2 Q: Why is that?

3 A: I can't recall specifically. There was some
4 kind of a feeling to where -- I'm a very empathetic
5 person. My heart went out to him. I felt sorry for
6 whatever situation he was in. I knew it back then. I
7 knew what he was going through, but I can't remember
8 right now.

9 Q: Okay. So how would you describe the situation
10 he was going through? Was it a stressful situation to
11 him?

12 A: Yes. He was stressed.

13 Q: Okay. How else would you describe him other
14 than stressed?

15 A: As I described him earlier, upset. I could
16 tell he was going through a hard time.

17 Q: Uh-huh.

18 A: His demeanor did not change between the two
19 events. It was the same.

20 Q: Okay. And you stated that you two slept
21 together, he stayed the night, and then when did he
22 leave, if you know?

23 A: I don't.

24 Q: Okay.

25 A: He could have left in the night. I don't

1 know.

2 Q: Did you have any other contact after that with
3 him?

4 A: No, not that I recall.

5 Q: The night you two were together, the night you
6 described, were you both off duty then?

7 A: Yes.

8 Q: So when is the --

9 MS. RANGLES: I'm sorry. I didn't hear that
10 answer.

11 THE WITNESS: Yes. I was off duty.

12 Q: (By Ms. Merklin von Kaenel) Is there a time,
13 then, after that that you go back to work?

14 A: Yes.

15 Q: Okay. And is this before or after New Year's
16 that you go back to work?

17 A: I can't recall.

18 Q: Okay. And then is -- when you get back to
19 work, do you know if Mr. Doe is employed with Creve
20 Coeur, or he's not employed with Creve Coeur?

21 A: He was not employed with Creve Coeur.

22 Q: Did you -- did you learn that he was not
23 employed from your employment, from your employer?

24 A: Yes.

25 Q: Did you learn that he was not employed from

1 anybody else?

2 A: Yes.

3 Q: And who did you learn that from?

4 A: I'm sorry. You said did I learn he was not
5 employed from anyone else? I apologize.

6 Q: That's all right. I'll repeat. You learned
7 that Mr. Doe was not employed by some sources, is that
8 right?

9 A: Correct.

10 Q: And who were those sources?

11 A: It was a commander. I think I might know
12 which commander, but I'm not sure. I remember we were
13 in roll call, and they made an announcement that he was
14 no longer with the department. This was my first day
15 back from my days off.

16 Q: Okay. So there was a roll call. Did you
17 learn that he was not employed from anybody else other
18 than your commander?

19 A: No.

20 Q: Do you remember a safety alert being put maybe
21 on a bulletin board or published somewhere in Creve
22 Coeur?

23 A: Yes.

24 Q: Do you remember the content of the safety
25 alert?

1 A: The only thing I remember from the safety
2 alert probably was what related to me the most, that if
3 I saw John Doe H.M. on the premises of the department or
4 the station that I was supposed to notify my commander
5 or boss as soon as possible.

6 Q: And did you see Mr. Doe on the premises of
7 your employment?

8 A: No.

9 Q: Do you remember whether -- do you remember
10 police officers talking about -- let me give you a date.
11 After you got back on the force in January of 2005
12 (sic), do you remember police officers talking about
13 John Doe H.M. being terminated?

14 MS. RANGLES: Objection. You said after she
15 got back on the force.

16 Q: (By Ms. Merklin von Kaenel) When you got back
17 -- when you went back to work in January of 2005 --
18 2006, do you remember police officers talking about John
19 Doe H.M.'s termination?

20 A: I can't recall actual conversations held
21 between officers. I was still very new at this time.

22 Q: Okay.

23 A: No one really talks to you about these kinds
24 of things when you're new.

25 Q: So you don't remember anyone talking to you

1 about it?

2 A: I don't remember.

3 Q: Do you remember anybody -- do you remember any
4 dispatchers talking about it?

5 A: No.

6 Q: Okay. Outside of Creve Coeur, have you heard
7 anybody talk about John Doe H.M.'s termination or the
8 reasons for his termination?

9 A: No.

10 Q: Have you -- either at work or outside of work,
11 have you heard anybody talk about his involuntary
12 commitment? Are you familiar that he was involuntarily
13 committed?

14 MS. RANGLES: Objection. That assumes facts
15 that are not in evidence.

16 Q: (By Ms. Merklin von Kaenel) For purposes of
17 this question, let's assume that he was involuntarily
18 committed at St. Anthony's or Hyland Center. Do you
19 remember hearing anything about that?

20 MS. RANGLES: Same objection.

21 Q: (By Ms. Merklin von Kaenel) Go ahead. Answer.

22 A: I remember that I knew that he was in
23 something like that.

24 Q: In something like what?

25 A: In something like a -- a mental hospital, but

1 I cannot recall when or who I heard that from, but I did
2 know that before this -- whatever this is.

3 Q: This deposition?

4 A: Deposition.

5 Q: So you found out, but you don't know who it
6 was from?

7 A: Correct.

8 Q: And then do you -- do you remember what was
9 said about his being in a mental hospital or facility?

10 A: No. I didn't know very much.

11 Q: Okay. Have you had -- since you went back
12 that day in January, since then have you had any contact
13 with John Doe H.M. to today?

14 A: No. He left -- I think he left a voice mail
15 on my phone, I'm guessing, maybe last year.

16 Q: And if I can interrupt, would that have been
17 2008, sometime in 2008?

18 A: Or maybe '07. I can't remember because I did
19 not respond to it.

20 Q: Do you remember what the content of the voice
21 mail was?

22 A: I remember he said something along the lines
23 of I was probably wondering why there was no more
24 contact between us after that night that I slept with
25 him and that he wanted to explain, but that's all I

1 remember.

2 Q: And just to repeat, you said you did not
3 return his phone call?

4 A: Correct.

5 Q: And that's the last time you had contact with
6 John Doe H.M.?

7 A: Correct.

8 Q: Have you described to me everyone who said
9 something to you or -- or that you heard with respect to
10 John Doe H.M.'s involuntary commitment?

11 A: There was a lot of I don't knows. There was a
12 lot of people that didn't know what was going on.

13 Q: Okay. So people -- does that mean that people
14 were talking about it in the sense -- I guess I'm -- I'm
15 trying to understand what that means. What do you mean
16 there were a lot of I don't knows?

17 A: I -- I can't recall if this was directly after
18 this happened or if it was just later on last year or
19 '07, but there was a lot that I didn't know before this
20 case got started. There's a lot that people just don't
21 know in the department.

22 Q: Did anybody -- other than what you described
23 before, is there anything anybody said to you maybe in
24 either the department or outside your department that's
25 talked to you about John Doe H.M.'s involuntary

1 commitment in a mental facility or a hospital or
2 something like that?

3 A: I don't think so.

4 Q: Okay. And about his termination -- other than
5 what you said, what you told me a commander told you
6 during roll call, anybody else talk about his
7 termination?

8 A: Not that I can remember.

9 Q: Okay. And is there -- is there anybody you've
10 talked to outside of Creve Coeur, not inside your
11 employment, about John Doe H.M. and his -- either his
12 involuntary commitment or his termination? Have you
13 told anybody?

14 A: I am very close with my mom.

15 Q: Okay.

16 A: My mother. She knows everything that happens
17 with me. I'm pretty sure I told her. She would know.

18 Q: And may I ask you, what is her name?

19 A: Dedra Christy.

20 Q: Okay. Did you tell anybody else other than
21 your mother?

22 A: No.

23 Q: Okay. I'm going to hand you what I am marking
24 as Exhibit No. 92.

25 MS. MERKLIN von KAENEL: Rebecca, I do not

1 have a copy for you, but I can tell you --

2 Why don't we go off the record.

3 (A discussion was held off the record, and
4 Exhibit 92 was marked for identification.)

5 Q: (By Ms. Merklin von Kaenel) I'm going to hand
6 to you what I'm marking as Exhibit 92. It consists of
7 eight pages. Would you do me a favor and look at that?

8 A: Okay.

9 Q: For the record, I printed it from the Our Lady
10 of Snows website, and it consists of text and pictures.
11 Would you look through it and tell me if any of this
12 looks familiar with respect to the place John Doe H.M.
13 took you?

14 A: Yes, it does.

15 Q: Okay. And will you please, if you can, tell
16 me by page, the first page, second page, third page,
17 what -- what looks familiar?

18 A: The first page does not look familiar. The
19 second page does not look familiar.

20 Q: Uh-huh.

21 A: The third page does look familiar.

22 Q: Okay. And what on that page looks familiar?

23 A: There are two pictures in the middle of the
24 page. The top picture that's in the middle looks like
25 it's a picture that is wider than the picture below it.

1 The picture below it is zoomed in, but it's a picture of
2 a Mary statue and an angel, and this is the Mary statue
3 that I remember. I'm not sure. I think I see some
4 benches, too, but I remember a bench somewhere near the
5 statue. This is the statue I was referring to earlier.

6 Q: Okay. And had you ever been to this place
7 before?

8 A: No.

9 Q: Okay. Are you -- have you heard anybody talk
10 about Our Lady of Snows? It's in Belleville. Does that
11 ring a bell?

12 A: No.

13 Q: Okay. So the first time you were here was
14 with John Doe H.M., is that right?

15 A: Yes.

16 Q: And if I can ask you, this is page 3. Past
17 page 3 would you look at it and see if anything else
18 looks familiar to you?

19 A: Page 4 looks familiar, if I could ask a
20 question.

21 Q: Uh-huh.

22 A: Is this where they keep Christmas lights? Is
23 this where people go also to see Christmas lights? I
24 might recall this from a different instance other than
25 the visit with John Doe H.M.

1 Q: Okay.

2 A: This looks familiar, but I can't remember if
3 it's the visit with John Doe H.M.

4 Q: Okay. Page 3 you remember from the visit with
5 John Doe H.M.?

6 A: Specifically, yes.

7 Q: All right. So page 4 is maybe the visit with
8 John Doe H.M.?

9 A: Maybe.

10 Q: Okay. Anything else?

11 A: Page 5 is blank. Page 6 has two other
12 pictures I do not recognize.

13 Q: Okay.

14 A: Page 7, two more pictures I do not recognize,
15 and page 8 is blank.

16 MS. MERKLIN von KAENEL: Okay. Thank you very
17 much. That's all I have.

18 EXAMINATION BY MS. RANGLES:

19 Q: Okay. I have some followup questions. This
20 is Rebecca Randles, and I represent John Doe H.M. Can
21 you hear me?

22 A: Yes, ma'am.

23 Q: Okay. Great. Thank you.

24 John Doe H.M. has indicated that the date that
25 you went out with him occurred on 12/30/2005. Do you

1 have any reason to disbelieve that was the date?

2 A: No.

3 Q: Okay. Do you have any reason to believe it
4 was some day besides 12/30 of 2005?

5 A: No.

6 Q: Do you have any recollection at all whether it
7 was the night before New Year's Eve?

8 A: No.

9 Q: Okay. You had indicated that he was obviously
10 upset and that he was talking a lot, correct?

11 A: Yes.

12 Q: Okay. You also said he was not yelling, is
13 that right?

14 A: Correct.

15 Q: And he didn't cry?

16 A: Correct.

17 Q: And he didn't scream?

18 A: Correct.

19 Q: And would you say he was able to carry on a
20 conversation that made sense?

21 A: Yes.

22 Q: Okay. And at the time that you were with him,
23 at any point in time did he ever mention or threaten
24 suicide of any kind?

25 A: No.

1 Q: Nothing indicated to you that he was mentally
2 ill, just upset, correct?

3 MS. MERKLIN von KAENEL: And I'm just going to
4 object to the foundation that she can make that
5 qualification.

6 Q: (By Ms. Randles) Did you ever see any
7 indication that you believed he was mentally ill?

8 A: No.

9 Q: Okay. But you did believe he was upset?

10 A: Yes.

11 Q: And you in no way felt threatened during this
12 date, correct?

13 A: Correct.

14 Q: Do you recall going back to your apartment and
15 sitting and playing music?

16 A: No.

17 Q: Okay. Do you recall John Doe H.M. playing a
18 guitar?

19 A: No.

20 Q: Is that something that -- that you do?

21 A: I have a guitar, and I used to play, yes.

22 Q: Okay. Now, he also indicated that he believed
23 he spoke to you by cell phone the next morning. Do you
24 recall any conversation with him on the morning of 12/31
25 of '05?

1 A: No.

2 Q: Okay. Do you have any reason to doubt that
3 there was a brief conversation the following morning?

4 A: No. I have no reason to doubt. There's a lot
5 that I don't recall.

6 Q: Okay. And at no time did it cross your mind
7 at any time that he was going to leave you and go kill
8 himself?

9 A: No.

10 Q: Did you know Crystal Marshall?

11 A: No.

12 Q: Okay. Have you ever heard any rumors
13 regarding Crystal Marshall at the Creve Coeur Police
14 Department?

15 A: Yes.

16 Q: What rumors have you heard?

17 MS. MERKLIN von KAENEL: I'm going to object.
18 It's not relevant, there's no foundation, and there's
19 certainly no foundation to the veracity.

20 Q: (By Ms. Randles) You can go ahead and answer.
21 Those are for the record. What rumors did you hear
22 about Crystal Marshall at the Creve Coeur Police
23 Department?

24 A: I heard that she slept around with a lot of
25 cops. I also heard that she was the type of person that

1 was not afraid to fight. That's about it.

2 Q: Okay. What do you mean by not afraid to
3 fight?

4 A: There's another female officer in our police
5 department. I believe she knows her, and I confided in
6 this other female officer. Can I give a name or --

7 Q: Yes.

8 MS. MERKLIN von KAENEL: You can give a name.

9 A: Nicole Beibel. I confided in her. We used to
10 be very close. I told her what I did because of all of
11 the things that were happening, and she said -- she
12 warned me that Crystal Marshall was his girlfriend, I
13 don't believe I knew that, and that I should be careful
14 if I ever see her because she probably would be upset.

15 Q: (By Ms. Randles) Okay. Did you ever hear
16 anything about Crystal Marshall being involved in any
17 incidents accusing anyone of suicide or suicide
18 attempts, any police officers of suicide or suicide
19 attempts besides John Doe H.M.?

20 A: No.

21 Q: Is that all that you heard about Crystal
22 Marshall?

23 A: Yes.

24 Q: Okay.

25 A: I'm sorry.

1 Q: Now, with regard to the -- the safety alert,
2 were you surprised when the safety alert was issued?

3 A: I have never heard -- again, I'm a newer
4 officer. I had never heard of a safety alert like this
5 before, so yes, I was surprised.

6 Q: Okay. Have you ever seen a safety alert like
7 that since?

8 A: Not with -- not with a police officer but with
9 criminals.

10 Q: Okay. How about anyone terminated from the
11 police department? Have you ever heard of any safety
12 alert being issued with regard to any officer or
13 civilian that was terminated by the police department?

14 A: I believe any time a police officer is
15 terminated from our department that if we see them on
16 the premises or inside the building, we're supposed to
17 notify a commander because we change codes on our doors
18 after somebody is terminated.

19 Q: Okay.

20 A: Security codes.

21 Q: Do you recall which commander indicated that
22 John Doe H.M. was no longer employed by Creve Coeur?

23 A: I can't say to be sure.

24 Q: Okay. And have you ever seen that happen
25 before? Has anyone -- any time anyone is terminated,

1 does the commander announce that at roll call?

2 A: I believe so.

3 Q: Do you recall anyone besides John Doe H.M. --
4 there being an announcement -- strike that. Let me
5 start that one over again.

6 Do you have any specific recollection of any
7 other police officer who has been terminated having
8 their name announced at roll call?

9 A: We also had a case --

10 THE WITNESS: Again, I'm allowed to say names,
11 correct?

12 MS. MERKLIN von KAENEL: Uh-huh.

13 A: Neal Coors. There was several roll call
14 announcements with his case in the department.

15 Q: (By Ms. Randles) What kind of roll call
16 announcements were made regarding Neal Coors?

17 A: I believe they announced his termination, and
18 then I don't know specifics, but a big lawsuit was going
19 on with him and the department, and then he regained
20 employment, and when he did that, they made more
21 announcements.

22 Q: Okay. What were the nature of the
23 announcements they made when he regained employment?

24 A: The nature was very tense. They made him make
25 a statement, an apology of things that he did or did not

1 do, I'm not sure, and they -- they yelled at him while
2 he stood up there making the apology, so it was very
3 tense.

4 Q: Oh, okay. Aside from Neal Coors and John Doe
5 H.M., do you recall anyone else's names who were
6 announced at roll call that they had been terminated?

7 A: Anybody that leaves the department they
8 announce in some way most of the time at roll call
9 unless I missed that specific announcement. When an
10 officer retires, they make the announcement, or if they
11 just leave and go to a different department, they also
12 make the announcement. There's been several people that
13 have left, so --

14 Q: Okay. But you specifically recall with regard
15 to Neal Coors and John Doe H.M., they didn't just say he
16 left the department; they said he had been terminated?

17 A: There was another officer that was terminated,
18 and they announced it.

19 Q: Okay. Is that Matt -- well, who was that?

20 A: It was not Matt Levine. It was Shawn. He
21 worked there a very short time. I can't remember his
22 last name. He was an African-American officer, Shawn.
23 Used to work in the city. I can't remember his last
24 name.

25 Q: Okay. Do you know either Officer Thomeczek or

1 Sergeant Lasater?

2 A: No.

3 MS. RANGLES: Okay. I have no further
4 questions.

5 MS. MERKLIN von KAENEL: I probably have like
6 two questions, but let me just look at my notes.

7 FURTHER EXAMINATION BY MS. MERKLIN von KAENEL:

8 Q: Prior to -- prior to your finding out -- did
9 you find out through Nicole Beibel that John Doe H.M.
10 was dating Crystal Marshall? Is that how you found out?

11 A: I believe so.

12 Q: So you had not heard that she had been
13 sleeping with him or dating him before that?

14 A: Before what?

15 Q: I'm sorry. Before you talked to Nicole
16 Beibel.

17 A: I don't believe so. There's another really
18 good friend, I think, of Crystal Marshall's; I think
19 Amanda Lancaster. I was also talking with her at the
20 time. She might have mentioned Crystal Marshall as
21 well.

22 Q: In the context of her dating John Doe H.M.?

23 A: Yes, I believe so, or just that she used to be
24 a dispatcher at Creve Coeur.

25 Q: Okay. And are these conversations with Nicole

1 Beibel and Amanda Lancaster, are these conversations
2 that occur after 1/1 of 2006?

3 A: Yes. I did not tell Amanda that I slept with
4 him. I only told that to Nicole Beibel.

5 Q: Okay. And you said that you heard a rumor
6 that she was -- that Crystal Marshall was a person who
7 was not afraid to fight. Do you mean physically because
8 she would be upset if she found out somebody was with
9 her boyfriend?

10 A: I mean that she would be upset if she would
11 find out that John Doe H.M. and I did sleep together.
12 I'm not sure if she meant that she was going to come
13 and, you know, fight me.

14 Q: It was likely that she would have been upset
15 because you would have been sleeping with her --
16 presumably with her boyfriend?

17 A: Yes.

18 Q: And did you know that John Doe H.M. was
19 married at the time?

20 A: No.

21 Q: Okay. Did you know that he had a family, a
22 wife, three kids?

23 A: I don't think that I knew he was still
24 married, but I think that I might -- it's hard to
25 recall.

1 Q: Did you know -- did you know whether he was
2 separated from his wife?

3 A: I can't remember.

4 Q: Okay. And when Miss Randall -- when Miss
5 Randles asked you some questions about a safety alert,
6 and you talked about specifically there was a safety
7 alert with respect to John Doe H.M. Do you remember --
8 and you said the department has issued other safety
9 alerts, is that right?

10 A: Yes.

11 Q: Okay. And you stated yes with criminals.
12 Does that mean the safety alerts would identify certain
13 criminals?

14 A: Yes.

15 Q: All right. So certain defendants or suspects?

16 A: Yes.

17 Q: And why would they do that?

18 A: Well, for example, we just got a safety alert
19 on a subject that has been threatening the lives -- the
20 lives or reputation of several officers in our
21 department including me, so they put out a big bulletin
22 as a safety alert. If you see him, just be aware he's
23 very volatile.

24 Q: Are safety alerts intended to give notice and
25 attempt to protect the officers and the employees of

1 Creve Coeur?

2 A: Yes.

3 Q: Okay. So is it -- are they usually about a
4 suspect that's a potential danger to the department or
5 its employees?

6 A: Yes.

7 Q: Okay. And you stated that it was -- the
8 termination of John Doe H.M. was stated at roll call.
9 That was her next line of questions. Is that right?

10 A: Yes.

11 Q: And at roll call they also announced police
12 officers that have retired, have moved to other
13 departments, or have left for other reasons.

14 A: Yes.

15 Q: Okay. And who attends those roll calls?

16 A: Everyone.

17 Q: So every police officer, every employee?

18 A: Every police officer. However, when they make
19 certain announcements like Neal Coors -- I can't
20 remember if John Doe H.M. -- maybe with John Doe H.M.,
21 too. Sometimes the dispatchers will come in. I think
22 it's just dispatchers and police, though.

23 Q: Okay. So they're employees of Creve Coeur?

24 A: Yes.

25 Q: And you stated -- I have Sergeant Lasater on

1 my left and Officer Thomeczek on his left. You stated
2 you don't know these police officers, correct?

3 A: Correct.

4 Q: I'm going to ask you about another police
5 officer, ask you if you know his name. Do you know
6 Scott Venable?

7 A: No.

8 Q: Did you talk to anybody that is employed by
9 St. Louis County with respect to John Doe H.M. or any of
10 the events we've talked about, either his involuntary
11 commitment or his termination?

12 A: No. I don't know any county officers.

13 MS. MERKLIN von KAENEL: That's all I have.

14 EXAMINATION BY MS. OWENS:

15 Q: I have just one followup.

16 At the time that you were employed there at
17 Creve Coeur while John Doe H.M. was also still employed,
18 had you been made aware or heard from anyone that Mr.
19 Doe had been involved in another lawsuit?

20 A: No.

21 Q: Okay. Since that time other than from
22 counsel, have you heard from anybody that Mr. Doe was
23 involved in another lawsuit pending around that same
24 time period?

25 A: No.

1 Q: No announcement was ever made by any command
2 staff regarding any underlying lawsuit that Mr. Doe was
3 involved in?

4 A: No.

5 MS. OWENS: Okay. I don't have anything else.

6 FURTHER EXAMINATION BY MS. RANGLES:

7 Q: Just one followup to that, if you don't mind.

8 No one ever indicated any names of anyone that
9 -- well, I can't even ask that. You weren't aware of
10 any lawsuit, but you weren't aware of any names of
11 anyone involved in any lawsuit, correct?

12 A: No.

13 MS. RANGLES: Okay.

14 FURTHER EXAMINATION BY MS. MERKLIN von KAENEL:

15 Q: Well, I guess I'll ask the followup question
16 to make sure it's certain.

17 While you were employed with Creve Coeur, had
18 you heard that John Doe H.M. was involved in a sexual
19 abuse lawsuit?

20 A: No.

21 MS. MERKLIN von KAENEL: Okay. That's it.

22 Rebecca, followup?

23 MS. RANGLES: No. I don't have anything.

24 MS. MERKLIN von KAENEL: Okay. You're
25 represented by counsel. Your counsel will get a copy of

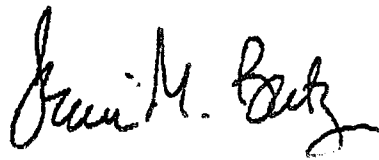
1 the transcript, and you'll be asked to review it for any
2 transcription errors. Your job is to look at what the
3 court reporter took down, if she took down what you
4 said, you know, accurately. If there's a mistake,
5 you'll have an opportunity and your lawyer will tell you
6 how to make the corrections so the record is clean.

7 THE WITNESS: Okay.

C E R T I F I C A T I O N

I, Traci Butz, Certified Shorthand Reporter within and for the State of Missouri, DO HEREBY CERTIFY that pursuant to notice/agreement between the parties, the aforementioned witness came before me at the time and place hereinbefore mentioned, and having been duly sworn to tell the whole truth of her knowledge touching upon the matter in controversy aforesaid; that he was examined on that day, and his examination was taken in shorthand and later reduced to printing; that signature by the witness is not waived and said deposition is herewith forwarded to the taking attorney for filing with the Court.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 5th day of May, 2009.



Traci Butz
Certified Shorthand Reporter

1 Gore Perry Gateway & Lipa Reporting

2

3

4 Sandberg, Phoenix & von Gontard, P.C.

5 Stacie Owens, Esq.

6 One City Centre, Suite 1500

7 St. Louis, Missouri 63101

8

9 Enclosed please find the Original Signature pages

10 and errata sheets for the deposition of:

11 Grace Renee Jones taken 4/23/2009 in the case of:

12 JOHN DOE HM, AN INDIVIDUAL vs. CITY OF CREVE COEUR, ET AL.

13 Please read your copy of the transcript, noting

14 any corrections on the enclosed erratta sheets,

15 and return all pages for filing in court to:

16 St. Louis County Counselor's Office

17 Lorena Merklin von Kaenel, Esq.

18 41 South Central Avenue

19 Your prompt cooperation will be appreciated.

20 Sincerely,

21

22 Gore Perry Gateway & Lipa Reporting

23

24

Gore Perry Gateway Lipa Baker Dunn & Butz
St. Louis 314.241.6750 St. Charles 636.940.0926

1 Page Line Should Read:

2 Reason for change:

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1 Comes now the witness, Grace Renee Jones,
2 and having read the the foregoing transcript
3 of the deposition taken on the 4/23/2009,
4 acknowledges by signature hereto that it is a
5 true and accurate transcript of the testimony given
6 on the date hereinabove mentioned.

7

8

9

10 _____
Grace Renee Jones

11

12 Subscribed and sworn to me before this

13 _____ day of _____, 2009.

14 My Commission expires

15

16

17

18 _____
Notary Public

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1 COURT MEMO
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF MISSOURI
4 EASTERN DIVISION
5 JOHN DOE HM, AN INDIVIDUAL vs. CITY OF CREVE COEUR, ET AL.
6 4:07-CV-00946-ERW
7

8 CERTIFICATE OF OFFICER AND
9 STATEMENT OF DEPOSITION CHARGES
10

11 DEPOSITION OF GRACE RENEE JONES
12 TAKEN ON BEHALF OF THE DEFENDANT

13 4/23/2009

14 Name and address of person or firm having custody of
15 the original transcript:

16 Lorena Merklin von Kaenel
17 St. Louis County Counselor's Office
18 41 South Central, 8T,
19 Clayton, MO 63105
20
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25

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20 Upon delivery of transcripts, the above

21 charges had not been paid. It is anticipated

22 that all charges will be paid in the normal course

23 of business.

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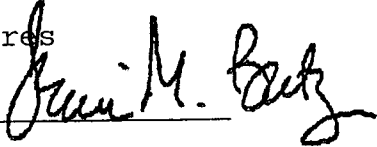
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St. Louis 314.241.6750 St. Charles 636.940.0926

1 St. Louis, Missouri 63101

2 IN WITNESS WHEREOF, I have hereunto set

3 my hand and seal on this _____ day of _____

4 Commission expires

5 _____ 

6 Notary Public

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